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Attorneys for Defendant JAMES ARTHUR RAY

SUPERIOR COURT OF STATE OF ARIZONA
COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

JAMES ARTHUR RAY,

Defendant.

CASE NO. V1300CR201080049

Hon. Warren Darrow

DIVISION PTB

**DEFENDANT JAMES ARTHUR RAY'S
MOTION TO VACATE MITIGATION
HEARING**

Comes now, James Arthur Ray, by and through undersigned counsel and hereby files his Request to Vacate the Mitigation Hearing currently scheduled in this matter for the following reasons:

- 1) A Motion for New Trial is pending. A decision has not been rendered by the Court. If granted the hearing must be vacated. As a result, defense counsel has not arranged travel plans for witnesses scheduled to testify at the hearing. Several dozen of the witnesses reside out of state making travel arrangements at this date troublesome. Most importantly, at this late date, the ability of witnesses to alter individual personal

1 and employment schedules has become extremely difficult, if not impossible. The
2 availability of defendant's witnesses for the scheduled hearing has become
3 questionable, and in some cases impossible.

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5 This motion is made in good faith and not for the purposes of delay. Counsel has
6 contacted the Yavapai County Attorney on even date herewith and has not received a response as
7 to whether she opposes this request.

8 For the reason stated above, Defendant requests this court enter its orders vacating the
9 currently scheduled date for hearing of mitigation evidence and, if necessary, reschedule the
10 hearing after consultation with counsel.

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13 DATED: September 6, 2011.

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By: 

Attorneys for Defendant James Arthur Ray

1 Copy of the foregoing delivered this 6th
2 day of September, 2011, to:

3 Honorable Warren R. Darrow
4 Judge of the Superior Court
5 Division PTB
6 Camp Verde, Arizona 86322

7 Sheila Polk
8 Yavapai County Attorney
9 255 E. Gurley
10 Prescott, Arizona 86301

11 by 